



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Inventor(s) : Unger, et al.
Filed : January 2, 2002
Application No. : 10/038,217
Patent No. : 7,336,787
Issue Date : Feb. 26, 2008
Confirmation No. : 8614
Group Art Unit : 2131
Examiner : Moorthy, Aravind K.
Docket Number : SNY-R4646.01
Title : Critical Packet Partial Encryption

Commissioner for Patents – ATTN PETITIONS

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF MAILING / FAX TRANSMISSION

I hereby certify that this correspondence is, on the date shown below, being:

☒ deposited with the U.S. Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted electronically to the U.S. Patent and Trademark Office.

☐ transmitted by facsimile to the U.S. Patent and Trademark Office.

Applicant, Assignee or Reg. Representative: Jerry A. Miller, Reg. No. 30779

Signature: /Jerry A. Miller 30779/ Date: 2/11/10

PETITION TO CORRECT PATENT TERM ADJUSTMENT

Sir:

Applicants respectfully petition for correction of the patent term adjustment in the present application. Applicants respectfully request that the prior request for correction which was timely filed be treated as a timely filed request for reconsideration of the patent term adjustment determination under 37 CFR 1.705(d). The present request is in the form of a petition as indicated to be required by the SPE in the communication dated 5/28/08 which was apparently never mailed to the undersigned, but was recently discovered in the electronic records of the

Application No.: 10/038,217

02/17/2010 RHEBRAH 00000179 7336787

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Copied from 10336787 on 06/22/2010

USPTO. Below are the facts as best understood by the undersigned; and supporting evidence is attached hereto.

- On April 7, 2008, the undersigned submitted a request for correction of the patent term adjustment in the form of a request for Certificate of Correction, which is presumed to be needed to correct the term listed on the face of the patent. This was believed at the time to be a viable form in which to make such a request.
- The request was received by the USPTO on April 9, 2008 which is within the two month window from the issue date of Feb. 26, 2008 for requesting correction of the patent term adjustment.
- The request explained the reasons that patent term adjustment was sought. Namely, that 47 days of Applicant delay was attributed to Applicants for late submission of Oath or Declaration. However, the Declaration was in fact submitted on April 9, 2002 and received by the USPTO on April 16, 2002 as evidenced by the enclosed post card which is *prima facie* evidence of receipt of the declaration by the USPTO. Apparently this document was not scanned when the remainder of the file was scanned. I hereby affirm that the declaration was in fact timely filed on April 9, 2002. I further submitted a copy to the examiner as requested in order to make the file complete and had no indication that this would affect the patent term since the matter was not discussed and it is clear that the declaration was in fact previously submitted in a timely manner.
- A copy of the declaration was resubmitted at the request of the Examiner on October 10, 2007 and it was apparently as a result of this resubmission that an improper 47 day delay was attributed to the Applicants. To the best of the undersigned's memory, the declaration was submitted on the same day requested by the Examiner.
- The request for certificate of correction included an authorization to charge any fees required to the undersigned's deposit account 501267. While a payment was not made, the Office was requested to deduct any required fees from the above deposit account and this is believed adequate to meet the requirement of submission of the required fee for the request.
- This issue came back to the attention of the undersigned several days ago upon receipt of

the sealed copy of the Certificate of Correction in which the patent term adjustment appeared to be corrected. However, upon review of the file, the undersigned's assistant discovered that the SPE evidently intended that the patent term not be adjusted and indicated that a petition was needed. As noted above, the undersigned was not given notice of the need for such petition and the present petition is being submitted within days of discovery of the apparent requirement of such by the SPE.

In view of the above, it is submitted that the undersigned did in fact timely submit everything required to constitute a timely request for reconsideration and correction of the patent term adjustment. The undersigned, however, did so under the title of "Request for Certificate of Correction" which might not have been an appropriate label for the actual request being made. That notwithstanding, while the undersigned regrets any confusion caused by the label of the communication, it is submitted to meet the requirements of the rules for making the request for reconsideration of the patent term adjustment calculation.

The undersigned therefore encloses herewith a credit card payment form for payment of the fee for requesting reconsideration of the patent term adjustment and earnestly solicits the USPTO to consider the earlier submission as being timely and meeting the substantive requirements needed for correction of this patent term adjustment. The undersigned respectfully requests that this petition be granted and that the patent term adjustment be corrected by 47 days in favor of the Applicants.

The undersigned finally wishes to note that a Certificate of Correction has been sealed and entered in this case. This Certificate of Correction indicates that the patent term has been corrected. This certificate may have been erroneously generated and in the event the patent term is not adjusted by 47 days, the Certificate should be corrected to accurately reflect the final patent term if necessary. The undersigned is unsure as to how this must occur, but will take whatever steps requested by the USPTO to effect such correction if necessary. However, granting of the present petition will render any need to correct the current Certificate of Correction unnecessary. Hence, the undersigned will await the outcome of this Petition to take

further steps.

In the event the fee accompanying this petition is incorrect, the Director is authorized to deduct any underpayment or credit any overpayment to deposit account number 501267.

Favorable action in granting this petition is earnestly solicited.

Respectfully submitted,

/Jerry A. Miller 30779/

Jerry A. Miller
Registration No. 30,779

Dated: 2/11/2010

Please Send Correspondence to:
Jerry A. Miller
Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606
Phone: (919) 816-9981
Fax: (919) 816-9982
Customer Number 24337

Application No.: 10/038,217



FILE COPY

Serial No: 10/038,217 Filed: 1/2/2002

Docket No.: SNY-R4646.01

Title Critical Packet Partial Encryption

Applicant: Unger, et al.

Date stamp to acknowledge receipt of:

☒ Response to Notice to File Missing Parts

☐ ___ page response to Office Action

☒ Certificate of Mailing

☐ ___ sheets of ☐ formal ☐ informal drawings

☒ Petition for extension of time

☐ Issue fee and advance order

☐ Information disclosure statement, list of references and reference copies

☐ Assignment and Assignment Recordal Cover Sheet

☒ Executed Declaration and Power of Attorney

☒ Copy of Notice to file missing parts

☒ Credit Card Payment Form (two)

☒ Associate Power of Attorney



Mailed on April 9, 2002

FILE COPY

RECEIVED

APR 25 2002

FILE COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE

5/28/08

Paper No.: _____

TO SPE OF

ART UNIT

2431

SUBJECT

Request for Certificate of Correction for Appl. No.:

10/038217

Patent No.:

7336787 A2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW Images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application Images, using document code COCX.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:
Certificates of Correction Branch (CofC)
 South Tower - 9A22
 Palm Location 7580

VIRGINIA TOLBERT

Certificates of Correction Branch

703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ Approved

All changes apply.

☒ Approved in Part

Specify below which changes do not apply.

☐ Denied

State the reasons for denial below.

Comments:

The applicant needs to file a petition
 for the patent term adjustment

William Kagan

SPE

2431

Art Unit



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Inventor(s) : Unger et al.
Patent No. : 7,336,787 B2
Filed : 01/02/2002
Issued : 02/26/2008
Serial No. : 10/038,217
Examiner : Aravind K. Moorthy
Docket Number : SNY-R4646.01
Title : Critical Packet Partial Encryption

FILE COPY

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION

Sir:

The undersigned hereby requests issuance of a Certificate of Correction for the above-referenced patent application. This Certificate is requested to correct minor errors that are a result of:

- ☐ Applicant's mistake(s).
- ☐ The U.S. Patent and Trademark Office's mistake(s).
- ☒ A completed Certificate of Correction form is enclosed.
- ☐ One or more of the errors for which correction is requested is for Applicant's mistakes. These mistakes are either of a clerical, or typographical nature or are minor in character. Making the corrections shown on the enclosed Certificate of Correction form will not constitute new matter and will not require reexamination.

Also enclosed are the following items:

- ☐ Credit card payment form for the fee of \$ _____
☒ Return receipt post card.

REMARKS:

It appears that the Patent Term Adjustment incorrectly attributed 47 days of delay to the applicant. This was due to a late submission of the Oath or Declaration. The Declaration was in fact, submitted on April 9, 2002 and received in the USPTO on April 16, 2002. Apparently, this document was not scanned when the file was scanned. A copy of the Declaration was resubmitted to the USPTO on October 10, 2007 at the request of the Examiner. Enclosed are copies of the Response to Notice to File Missing Parts, the Declaration and a copy of the return receipt post card in connection with the April 9, 2002 submission. Clearly, this delay should not be attributed to the applicant.

In the event the fees enclosed are incorrect, the Commissioner of Patents is hereby authorized to charge any additional fees or credit any overpayment of such fees to deposit account number 50-1267.

Respectfully submitted,


Jerry A. Miller
Registration No. 30,779

Dated: 4/11/08

Please Send Correspondence to:
Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606
Phone: (919) 816-9981
Fax: (919) 816-9982
email: miller@patent-inventions.com
Customer Number 24337

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTIONPage 1 of 1

PATENT NO. : 7,336,787 B2

APPLICATION NO.: 10/038,217

ISSUE DATE : 02/26/2008

INVENTOR(S) : Unger et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the first page, please rewrite the Notice to read:

Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1189 days.

FILE COPY

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed-application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patent No: 7.336.787 B2 Issued: 02/26/2008

Docket No: SNY-R4646.01

Title: Critical Packet Partial Encryption

Applicant: Unger et al.

Date stamp to acknowledge receipt of:

☒ Request for Certificate of Correction

☒ Certificate of Correction form

☐ Credit Card Payment Form

☒ Copy of Response to File Missing Parts, Executed Declaration, copy of return receipt post card.



Mailed on 4-7-08

FILE COPY

DOCKETED

By SF

Date 4-14-08

